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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,784	07/23/2001	Dale L. Bartholomew	50107-485	4891

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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/909,784	BARTHOLOMEW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc T. Duong	2663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24-28, 30, 31, 33 and 35-41 is/are rejected.
- 7) ☒ Claim(s) 23, 29, 32 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/23/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figure 5b described in the specification is missing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 recites the limitation "the two gateways" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 20-22, 24-28, 30, 31, 33, and 35-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris (US Patent 6,292,478 B1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

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either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding to claim 20, Farris discloses a gateway 340 (fig. 7) for use in a telecommunications system having a plurality of diverse paths (paths 334 and 352) available for transporting a voice call, one of said paths (path 352) traversing at least a public switched telephone network PSTN 328 having a local line (the connection between the subscriber 322 and the CO 328) to a subscriber 322 receiving the voice call and a packet-switched data communication network 336, the gateway 340 being connectable between the packet-switched data communication network 336 and the PSTN 328, the gateway 340 (shown in fig. 2 as an internet module 83) comprising a data network server 89/91 connectable to the packet-switched data communication network 336 (fig. 2 col. 7 lines 1-8), for receiving through the packet-switched data communication network 336 a request from a calling party 300 to set up a voice call through the PSTN 328 to the local line (the connection between the subscriber 322 and the CO 328) to the subscriber 322 (fig. 4 col. 7 lines 56-65), and for receiving identification information ANI associated with the calling party 300 through the packet-switched data communication network 336 (fig. 7 col. 12 lines 41-43; the ANI is sent from the server 330 to the server 340 through the packet-switched data network 336); and a telephony platform 87 having a call connection (arrow extending from CO to Internet) to the PSTN 328 for initiating the voice call through the PSTN 328 to the local line (the connection between the subscriber 322 and the CO 328) to the subscriber 322

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in response to the request from the calling party 300 (fig. 2 col. 7 lines 22) and having a signaling link (broken dotted arrow provided CCIS signaling) for providing call-related signaling information to the PSTN 328 (fig. 2) including the identification information ANI associated with the calling party 300, to enable transport of the calling party identification information ANI through the PSTN 328 to the local line (the connection between the subscriber 322 and the CO 328) to the subscriber 322 (fig. 7 col. 12 lines 41-43; the ANI is sent from the server 330 to the server 340 through the packet-switched data network 336).

Regarding to claims 21 and 22, Farris discloses the data network server comprises a router 85 for connection to the Internet (fig. 2 col. 6 lines 59-61).

Regarding to claim 24, Farris discloses the call connection (from CO to Internet) and the signaling link (CCIS) utilize a Feature Group D trunk (T1/T3) between the telephony platform 87 and the PSTN (fig. 2 col. 6 lines 45-57).

Regarding to claim 25, Farris discloses the call connection comprises a voice channel between the telephony platform and the PSTN and the signaling link comprises a Simplified Message Desk Interface (SMDI) link 404 to an office of the PSTN (fig. 10 col. 15 lines 32-45).

Regarding to claim 26, Farris discloses an apparatus 340 (fig. 7) for use in a telecommunications system having a plurality of diverse paths available (paths 334 352) for transporting a voice call, one of said paths (path 352) traversing at least a public switched telephone network PSTN 328 having a local line (the connection between the subscriber 322 and the CO 328) to a subscriber 322 receiving the voice call and a

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packet-switched data communication network 336, said apparatus comprising a server 89/91 comprising an interface for connection to the packet-switched data communication network 336 (fig. 2 col. 7 lines 1-8), an interface 87 for voice-call connection with the PSTN 328 (fig. 2 col. 6 lines 61-67), and means 87 for providing calling party identification information ANI for a calling party 300 to the PSTN 328 based on calling party identification information ANI received via the packet-switched data communication network 336 (fig. 7 col. 12 lines 41-43; the ANI is sent from the server 330 to the server 340 through the packet-switched data network 336); whereby the calling party identification information ANI is received via a path 338 through the packet-switched data communication network 336 and is conveyed to the called subscriber line (the connection between the subscriber 322 and the CO 328) by the PSTN 328 upon routing of the voice call (fig. 7 col. 12 lines 43-53).

Regarding to claims 27 and 28, Farris discloses the interface for connection to the packet-switched data communication network comprises a router 85 for connection to an Internet Protocol IP network (fig. 2 col. 6 lines 59-61).

Regarding to claims 30 and 33, Farris discloses a method for providing caller identification information for a voice call, originating from a remote calling subscriber device 300 (fig. 7), to a called telephone subscriber 322 (fig. 7) comprising the steps of routing an initial voice call (step 120), originated by a calling party 300 at the remote calling subscriber device, through a packet switched data network 336 to a gateway 340 that interfaces between the packet switched data network 336 and a public switched telephone network PSTN 328 (fig. 3 col. 7 lines 48-55); in response to said routing step,

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placing a subsequent telephone call (step 132) from the gateway 340 through the PSTN 328 to the called subscriber line (fig. 4 col. 8 lines 33-36); linking the initial voice call (step 134) at the gateway 340 with the subsequent telephone call (fig. 4 col. 8 lines 45-65); and transporting (step 134) originating calling party identification information ANI from the gateway 340 through the PSTN 328 to the called subscriber 322 while the called subscriber line is in an on-hook condition (fig. 7 col. 12 lines 41-43; the ANI is sent from the server 330 to the server 340 through the packet-switched data network 336).

Regarding to claim 31, Farris discloses routing (steps 124-132) a telephone call from the remote calling subscriber device 300 through a remote public switched telephone network PSTN 302 to a remote gateway 340 coupled between the packet-switched data network and the remote PSTN 302 (fig. 4 col. 8 lines 2-36); and establishing communications (step 134) relating to the initial voice call between the two gateways via the packet switched network (fig. 4 col. 8 lines 45-65).

Regarding to claim 35, Farris discloses the call connection (from CO to Internet) and the signaling link (CCIS) utilize a Feature Group D trunk (T1/T3) between the telephony platform 87 and the PSTN (fig. 2 col. 6 lines 45-57).

Regarding to claim 36, Farris discloses the call connection comprises a voice channel between the telephony platform and the PSTN and the signaling link comprises a Simplified Message Desk Interface (SMDI) link 404 to an office of the PSTN (fig. 10 col. 15 lines 32-45).



Regarding to claims 37 and 38, Farris discloses transmitting the originating caller identification information ANI to a terminating office of the PSTN 328 in an out-of-band interoffice signaling message (col. 11 lines 40-52; the out-of-band signaling message is SS7), and in response to the out-of-band interoffice signaling message, transmitting the originating caller identification information ANI from the terminating office over the called telephone subscriber 322 (col. 12 lines 41-43).

Regarding to claim 39, Farris discloses a public switched telephone network PSTN serving a destination subscriber number station, comprising a first telephone switching office 302 having at least one link 308 for voice telephone calls and associated signaling (dotted lines) to a gateway 330 coupled between the PSTN and a packet switched data network 336 (fig. 7 col. 11 lines 14-19); a second telephone switching office 328 serving a telephone link to the destination subscriber station 328 (fig. 7 col. 11 lines 28-34); and an interconnection (dotted lines) between the first and second telephone switching offices (fig. 7), wherein the first telephone switching office is adapted to recognize a voice call arriving from the gateway (fig. 7 col. 11 lines 40-47), obtain originating caller identification information ANI from the gateway (col. 12 lines 38-43), and signal the originating caller identification information to the second telephone switching office (col. 11 lines 49-65), and the second telephone switching office 328 is adapted to attempt to complete a telephone call over the telephone link to the destination subscriber station 322 for the recognized voice call from the gateway 340, and to transmit the originating caller identification information ANI over said telephone link (col. 12 lines 2-13).

Regarding to claim 40, Farris discloses the interconnection (dotted lines) between the first and second telephone switching offices 302/328 includes an out-of-band signaling network (SS7) coupled between the first and second telephone switching offices, for transporting the signaling there between (col. 12 lines 3-7).

Regarding to claim 41, Farris discloses the second telephone switching office 328 serves a telephone line connected to the destination subscriber station 322 (fig. 7 col. 12 lines 2-3).

***Allowable Subject Matter***

6. Claims 23, 29, 32, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“the call connection and the signaling link comprise channels of an ISDN link between the telephony platform and the PSTN”**, when such channels are considered within the specific structure of the device recited in claim 23. The prior art of record fails to teach or make obvious the step of or means for **“the interface for voice-call connection with the PSTN comprises a telephone switch for selective communication via a plurality of lines of the PSTN”**, when such interface is considered within the specific structure of the device recited in claim 29. The prior art of record fails to teach or make obvious the step of or means for **“establishing communications comprises communicating from the remote gateway an**

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**identification of a line of the remote PSTN for the remote calling subscriber device and transporting originating calling party identification information is responsive to the identification of the line of the remote PSTN",** when the establishing and transporting are considered within the specific combination of steps recited in the method of claim 32. The prior art of record fails to teach or make obvious the step of or means for **"receiving the signaling message comprises receiving the originating caller identification information over an ISDN channel from the gateway",** when the receiving is considered within the specific combination of steps recited in the method of claim 34.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DD

  
RICKY NGO  
PRIMARY EXAMINER

3/25/05 